

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

**CLEANUP AND ABATEMENT ORDER NO. R8-2019-0037  
REQUIRING**

**LOS ALAMITOS RACE COURSE AND EDWARD ALLRED**

**TO ASSESS, CLEAN UP, AND ABATE WASTE DISCHARGED TO  
WATERS OF THE STATE  
PURSUANT TO CALIFORNIA WATER CODE SECTIONS 13267 AND 13304**

**AT 4961 KATELLA AVENUE  
CYPRESS, CALIFORNIA**

This Cleanup and Abatement Order No. R8-2019-0037 (hereafter Order) is issued to Los Alamitos Race Course and Edward Allred based on provisions of California Water Code (Water Code) sections 13304 and 13267, which authorize the California Regional Water Quality Control Board, Santa Ana Region (Regional Board) to issue this Cleanup and Abatement Order and require the submittal of technical and monitoring reports.

**The Regional Board herein finds:**

1. **Responsible Parties:** Edward Allred is a partner of Los Alamitos Race Course, a general partnership. Los Alamitos Race Course is enrolled in *Order No. R8-2015-0002, NPDES No. CA0106348 Waste Discharge Requirements for the Los Alamitos Race Course, Orange County* (Permit). Los Alamitos Race Course and Edward Allred (hereafter Responsible Parties) are Responsible Parties due to their:
  - a) Current or prior ownership of Los Alamitos Race Course located at 4961 Katella Avenue (hereafter the Site), and/or
  - b) Current or prior operations at the Site that resulted in the discharge of wastes including sediment, manure, and other waste constituents of concern to the environment.

As detailed in this Order, the Responsible Parties have caused or permitted waste to be discharged or deposited where it is, or likely will be, discharged into waters of the state, which creates or threatens to create, a condition of pollution or nuisance.

2. **Site Location and Drainage Description:** The Site is a 138-acre horse stabling, training, and racing facility. The Site includes a racetrack, a grandstand, landscaped areas, horse stables, a maintenance area, and parking lots. The horse stables occupy approximately 32.3 acres of the facility and confines an estimated 1660 horses within 40 barns.

- a) Los Alamitos Race Course Discharge Point 001 (DP001) is located at the west end of the southern earthen drainage swale, just south of the detention basin. DP001 collects storm water runoff from portions of the parking area, the grandstand area, and any overflows from the detention basin. Storm water discharging from DP001 enters the municipal storm drain system and eventually flows to the Los Alamitos Channel (C01). Los Alamitos Channel discharges eventually into the Rossmoor Retarding Basin before entering Reach 1 of the San Gabriel River.
  - b) The detention basin was designed to collect and detain the production wash water and runoff associated with a 25-year, 24-hour storm event produced within the Production Area. Flows within the production area are gravity drained to two different pump stations and then are pumped into the detention basin within the production area. The detention basin gravity drains to an existing Orange County Sanitation District 8" sanitary sewer line for treatment at the district's facility.
  - c) In addition to DP001, storm water discharges from three other locations at the Site; DP002, DP003, and DP004. DP002 collects runoff from the grandstand area and eastern parking area, and DP003 and DP004 collect runoff from the parking areas to the south of the grandstand area.
  - d) The Site maintenance yard is located just north of the northwestern corner of the production area; which is a different location than described in the Permit. The area includes maintenance buildings, outdoor storage, a vehicle wash area, and the maintenance yard. Currently runoff from this area is not monitored.
3. **Waters of the State:** Los Alamitos Race Course is located within the San Gabriel River Watershed. The beneficial uses applicable to San Gabriel River (Reach 1), are as follows: Municipal and Domestic Supply (MUN), Water Contact and Non-Contact Water Recreation (REC1 and REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD).

## **EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER**

### **4. Threatened Prohibited Waste Discharges:**

- a) Self-Monitoring Reports, submitted by Mr. Frank Sherren, Facilities Manager, are available in the California Integrated Water Quality System (CIWQS) for storm water samples collected during discharge events at the Site that occurred during the period between December 22, 2015 and March 6, 2019. Each of the storm water runoff samples collected at sampling location DP001 had elevated levels of pH, E. Coli, Total Coliform, Aluminum, Iron, Nitrate plus Nitrite as N, and Total Suspended Solids in storm water runoff samples collected at sampling location DP001 were high. Samples collected during the storm event on March 6, 2019 include prohibited discharges as described below in subparagraph c. Data from the Self-Monitoring Reports is summarized in Table 1.

- b) Regional Board staff conducted inspections of Los Alamitos Race Course on March 6, 2018, August 27, 2018, and March 6, 2019. Several instances of inappropriate or poorly maintained perimeter controls surrounding the production area were observed during the March 6, 2018 inspection, which constitute Permit violations. This included erosion of the earthen berm separating the production area and the north storage area and the lack of perimeter controls next to the access road in the southern portion of the production area that leads to the southern earthen drainage swale. Other violations were also noted during the inspection. Regional Board staff conducted a follow-up inspection on August 27, 2018. Although improvements had been made, conditions that indicate a threat of discharge were still observed, including inappropriate, poorly maintained, or missing perimeter controls surrounding the production area. The southern portion of the production area seemed especially vulnerable due to the area's slope, which appears to direct runoff in high flow conditions over the access road, into the southern earthen drainage swale, and then into the storm drain inlet at sampling location DP001. On March 6, 2019, Regional Board staff conducted a third inspection of the Site during a rain event. Additional improvements had been made, but the control measures did not prevent process wastewater from discharging into the storm drain inlet at sampling location DP001, which was observed at several locations during the inspection.
- c) Regional Board staff notified Mr. Sherren of the violations observed following the three inspections through the issuance of Notices of Violation on June 4, 2018, October 16, 2018, and March 21, 2019. Although Mr. Sherren responded to the Notices of Violation, the improvements made to the Site have been inadequate to address the threat of prohibited process wastewater from entering the storm drain inlet at sampling location DP001, as evidenced by the high concentrations of constituents in the discharge samples listed in Table 1. Furthermore, the observations of process wastewater discharges at the Site during the March 6, 2019 storm event confirms that improvements made to the Site are not completely effective.

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**Table 1: Summary of DP001 sampling results submitted in CIWQS since December 2015**

Sampling Date	12/22/15	1/5/16	3/7/16	12/22/16	2/17/17	1/9/18	11/29/18	12/6/18	1/16/19	2/14/19	3/6/19
Estimated flow (GPD)	30282	210735	15413	297370	394030	210735	195952	309406	181232	656113	181232
E. Coli*	2419	43500	12400	850	308	241960	51700	38700	10000	2260	10100
Total Coliform*				12400	1120	241960	242000	155000	254000	173000	242000
Aluminum, Total <sup>+</sup>	9.78	36.5	3.85	4.79	0.656	5.56	3.940	6.84	6.5	3.1	2.01
Iron, Total <sup>+</sup>	11.7	52.3	4.59	6.24	0.979	7.63	2.20	22.1	6.88	3.1	1.93
Lead, Total <sup>+</sup>	0.00946	0.0298	0.00417	0.00555	0.00143	ND	0.00648	0.0143	0.00634	0.0074	0.00802
Zinc, Total <sup>+</sup>	0.102	0.314	0.0696	0.131	0.021	0.108	0.124	0.117	0.0326	0.14	0.0886
Ammonia, Total (as N) <sup>+</sup>	1.73	1.5	0.555	3.02	1.15	2.49	0.0709	0.409	0.197	0.185	0.628
BOD <sup>+</sup>	13.2	9.16	6.4	1.43	4.87	14	20	5.59	5.75	4.0	10.4
Nitrate, Total (as N) <sup>+</sup>	3.04	0.0284	0.297	2.79	0.489	1.23	1.28	0.642	0.707	0.412	3.08
Nitrite Plus Nitrate (as N) <sup>+</sup>					1.32	1.23	1.44	0.684	0.736	0.484	3.19
Phosphorus, Total (as P) <sup>+</sup>	1.68	1.37	0.18	0.525	0.0271	0.998	1.58	0.885	0.34	1.32	1.01
pH		8.2	8.3	8		8.7	8.30	9.1	9.8	9.4	9
Total Dissolved Solids <sup>+</sup>	162	63	121	40.5	400	143	209	149	121	50.4	161
Total Suspended Solids <sup>+</sup>	239	202	217	42.8	31.5	130	773	368	99	325	204

Units of Measure: \* = MPN/100mL  
 + = mg/L

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5. **Sources of Information:** The sources for the evidence summarized above include, but are not limited to, reports and other documentation in Regional Board files, including meeting and telephone calls documentation, and e-mail communication with responsible parties, their attorneys, and/or consultants, and site visits.
6. **Adverse Impacts and Threats to Water Quality:**
- (a) Non-storm water related discharges from the Site have the potential for carrying wastes such as high levels of bacteria, nutrients, and additional hazardous materials such as pesticides, sediment, oil and grease.
  - (b) Manure and sediment from production areas are easily mobilized by storm events and may enter local waterbodies. This mixture of sediment and manure may cause an increase in turbidity, total suspended solids (TSS), nutrients, and bacteria.
  - (c) A TMDL for indicator bacteria in the San Gabriel River, Estuary and Tributaries (Resolution No. R15-005) was adopted by the Los Angeles Regional Water Quality Control Board on June 10, 2015. The Waste Load Allocations (WLAs) section of Resolution No. R15-005 states that while non-MS4 dischargers are not assigned WLAs, discharges must be evaluated to determine whether reasonable potential exists for the discharge to be a source of bacteria that could cause or contribute to an exceedance of applicable water quality standards. Bacteria, in the form of fecal coliform and E. coli as found in water samples from the Site potentially contributed to an exceedance of water quality standards for San Gabriel River Reach 1. The presence of bacteria can create a public health threat through contact with affected waters.
  - (d) The discharge of sediment may cause an increase of turbidity and total suspended solids (TSS). This can limit the passage of sunlight into waters, which in turn inhibits the growth of aquatic plants. Excessive sediment can also destroy spawning habitat, blanket benthic organisms and abrade the gills of larval fish.
  - (e) Failure to implement Best Management Practices (BMPs) can increase the probability that wastes would travel off-site and negatively impact the beneficial uses associated with the San Gabriel River (Reach 1). Failure to maintain vehicles in designated areas, improper handling and storage of waste materials such as used chemicals and electronics, as well as failure to upkeep containment structures and systems to prevent storm water runoff from production areas also contribute to the threat of discharge.

#### **AUTHORITY - LEGAL REQUIREMENTS**

7. Water Code section 13304, subdivision (a) of the Water Code provides that:

*“(a) A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a*

*regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”*

8. Water Code section 13304, subdivision (c)(1) provides that:

*“the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . .”*

9. Water Code section 13267, subdivision (b)(1) provides that:

*“In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

10. Public Participation: The Regional Board may require the Responsible Parties to submit a Public Participation Plan or engage in other activities to disseminate information and gather community input regarding the Site, as authorized or required by Water Code sections 13307.1, 13307.5 and 13307.6.

11. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, the “Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304.” This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution

68-16, the “Statement of Policy with Respect to Maintaining High Quality of Waters in California”. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations (CCR), title 23, section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

12. This Order conforms to and implements policies and requirements of (1) the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Water Board) and the Basin Plan adopted by the Regional Water Board including beneficial uses, water quality objectives, and implementation Plans; and (4) applicable State Water Board policies and regulations.

### **LIABILITY OF RESPONSIBLE PARTIES<sup>1</sup>**

13. The term “waste” is defined in Water Code section 13050, subdivision (d) to include “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.” Sediment, concrete, asphalt, rebar, and other waste constituents discharged at the Site constitute “waste” as defined in Water Code section 13050(d).
14. Based on the above findings, the Responsible Parties are subject to an order pursuant to Water Code section 13304 because the Responsible Parties have discharged, are discharging waste, or have allowed waste to be discharged into waters of this state in violation of the Porter-Cologne Water Quality Act and the federal Clean Water Act and have created, or threaten to create, a condition of pollution or nuisance. The discharged wastes threaten beneficial uses of waters of the state in violation of the federal Clean Water Act.

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<sup>1</sup> Under precedential Orders issued by the State Water Resources Control Board (State Water Board), the Responsible Parties are liable for the cleanup of wastes at the Site regardless of involvement in the activities that initially caused the pollution. The State Water Board has interpreted the term “discharge” to include not only an active initial release, but also a passive migration of waste. The discharge continues as long as the wastes remain in the soil and groundwater at the Site. (See State Water Board Orders WQ 86-2 (Zoecon Corporation), WQ 89-1 (Schmidl), and WQ 89-8 (Spitzer).) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm’n* (1984) 153 Cal.App.3d 605, 619–620).

15. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, State Water Board Resolutions 92-49 and 68-16, and other applicable plans, policies, and regulations.
16. This Order requires the Responsible Parties to submit various technical and monitoring reports pursuant to Water Code section 13267 because existing information about the Site indicates that waste has been discharged, is discharging, or is suspected of having been discharged at and from the Site. The required reports are necessary to determine the extent of the wastes that have discharged from the Site to waters of the state or to areas where storm water likely carried, or threatens to carry, the wastes to waters of the state and United States. Therefore, the burden of these reports, including costs, is reasonable as they are necessary to achieve compliance with the applicable laws, regulations, and policies to protect the water quality of the state and United States.

### OTHER CONSIDERATIONS

17. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) in accordance with title 14, California Code of Regulations, sections 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Responsible Parties to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is not enough information concerning the Responsible Parties' proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Regional Board will conduct the necessary and appropriate environmental review prior to Executive Officer's approval of the applicable plan. The Responsible Parties will bear the costs, including the Regional Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Responsible Parties and a consultant acceptable to the Regional Board shall enter into a memorandum of understanding with the Regional Board regarding such costs prior to undertaking any environmental review.
18. **Cost Recovery:** Pursuant to Water Code section 13304, the Regional Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action. Such costs include, but are not limited to, staff time for investigation of the discharge, preparation of this Order, review of reports and correspondence submitted pursuant to this Order, work to complete the directives specified in this Order, and communications between Regional

Board staff and parties associated with the cleanup and abatement of the discharged waste, including the Responsible Parties, interested members of the public, and other regulatory agencies.

19. **State Water Board Petition:** Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### REQUIRED ACTIONS

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to Water Code sections 13304 and 13267, that the Responsible Parties clean up the waste and abate the effects of the waste forthwith from the production areas at the Site, located at 4961 Katella Avenue in the City of Cypress. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates below.

The Responsible Party shall:

#### A: Tasks:

1. **Investigation Report. Within 30 days of the adoption of this Order**, submit an Investigation Report that identifies the source of wastes into sampling location DP001 and assess if there are potential sources of wastes to any other sampling locations.
  - a. The Investigation Report must include the following:
    - i. Identification of the potential sources of wastes, including the cause, locations, and method of transport;
    - ii. Determination of the length of time that contamination to the sampling locations identified in (i.) have been occurring;
    - iii. Calculation of the estimated volume of contaminated runoff that has entered the storm drain from production areas including, but not limited to, the discharges observed on March 6, 2019.
    - iv. Evidence to support all conclusions made (photographs, sampling data, schematics, flow logs, etc.).
2. **Work Plan. Within 30 days of the submittal of the Investigation Report**, submit a Work Plan to eliminate the source of wastes from production areas identified in the Investigation Report.

- a. The Work Plan must include the following:
  - i. A time schedule, the duration of which is complete within 60 days of Work Plan approval. The schedule of implementation must identify discrete tasks and completion dates.
  - ii. Contracts, designs, schematics, and any other documents that support the Work Plan.

3. **Implementation. Within 14 days of approval of the Work Plan by Regional Board staff**, implement the Work Plan. As specified in 6.a.i., implementation must be complete within 60 days of Work Plan approval.

4. **Submittal of Information.** All information submitted to the Regional Board in compliance with this Order is required to be submitted electronically to [santaana@waterboards.ca.gov](mailto:santaana@waterboards.ca.gov) with the subject line "Order R8-2019-0037".

**5. Task Due Dates**

Submittal of Investigation Report	Within 30 days of Order adoption
Submittal of Work Plan	Within 30 days of Investigation Report submittal
Begin Implementation	Within 14 days of Work Plan approval
Complete Implementation	Within 60 days of Work Plan approval

**B. Public Participation: Within 60 days of the adoption of this Order**, the Responsible Parties shall submit to the Regional Board, information and take actions addressing public participation requirements of Water Code sections 13307.5 and 13307.6, including, but not limited to:

1. Baseline community assessment: Provide information that describes current land use and demographic information near the Site and surrounding area within a one-mile radius.
2. Interested persons contact list: If additional property owners exist within a 500-foot radius of the Site, a fact sheet may be distributed to all property owners, affected and potentially affected and interested persons within the area. Provide a list of names and addresses for all property owners, and a list of addresses in the above-delineated groups. A list of contacts for other interested persons, such as local, state and federal public agencies, environmental groups and community groups should also be provided.
3. Draft factsheet: Should include, for example, the description of the Site, including history, known discharges of waste, site investigation and cleanup activities to date, and a description of any proposed/planned site activities. The fact sheet should include an illustrative map of the site, activities and details of the surrounding areas. The Responsible Parties shall submit the Draft factsheet with the first Quarterly Report.

**C. Submission of Plans and Reports:** As required by the Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed

by the registered professional. All technical reports submitted by the Responsible Parties shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his knowledge, the report is true, complete, and accurate. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.

- D. Certifications:** All reports shall contain a completed perjury statement, signed by the Responsible Parties (or a duly authorized senior representative) and not by a consultant.

The Perjury statement shall be in the following format:

*"I [NAME], certify under penalty of perjury of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."*

- E. No Limitation of Regional Board or Other Agency Authority:** This Order is not intended to permit or allow the Responsible Parties to cease any work required by any other Order issued by the Regional Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by the Regional Board or any other agency. Furthermore, this Order does not exempt the Responsible Parties from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.
- F. Authority to Modify:** The Regional Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Responsible Parties, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Responsible Parties under this Order. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.
- G. Extension:** In the event compliance with this Order cannot be achieved within the terms of this Order, the Responsible Parties have the opportunity to request an extension of time in writing from the Regional Board's Executive Officer. The extension request shall include an explanation of why the specified date could not or will not be met, and justification for the requested period of extension. Any extension request

shall be submitted as soon as the situation is recognized and no later than one week in advance of the deadline. Extension requests not submitted in writing to the Executive Officer of the Regional Board will be denied.

- H. Enforcement for Noncompliance with this Order:** Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Regional Board or judicially by the Superior Court in accordance with Water Code sections 13268, 13304, 13308, and/or 13350, and/or referral to the Attorney General of the State of California.
- I. Entry and Access:** Consistent with Water Code section 13304, the Regional Board's authorized representative(s) shall be allowed:
1. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
  2. Access to copy any records that are stored under the conditions of this Order;
  3. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  4. The right to photograph, sample, and monitor for ensuring compliance with this Order, or as otherwise authorized by the Water Code.
- J. Notification for Planned Changes:** The Responsible Parties shall submit 30-day advance notice to the Regional Board of any planned changes in name or ownership of the contractor or subcontractors and notice of any planned physical changes that may affect compliance with this Order. In the event of a change in ownership or operator, the Responsible Parties shall also provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order and shall submit a copy of this advance notice to the Regional Board.
- K. Delegation:** Reference herein to determinations and considerations to be made by the Regional Board regarding the terms of the Order shall be made by the Executive Officer or his/her designee. Decisions and directives made by the Executive Officer in regards to this Order shall be as if made by the Regional Board.
- L. Obligations:** None of the obligations imposed by this Order on the Responsible Parties are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

**M. Effective Date:** This Order is effective upon the date of signature below.

I, Hope Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on XXXXX.

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Hope Smythe  
Executive Officer

TENTATIVE